

LIBELED: 10-9-59, N. Dist. N.Y.

CHARGE: 402(a)(3)—when shipped, the article contained sour, decomposed blueberries, and had a bitter taste; 403(e)—the article failed to bear a label containing (1) the name and place of business of the manufacturer, packer, or distributor, and (2) an accurate statement of the quantity of contents; and 403(i)(1)—the label failed to bear the common or usual name of the article.

DISPOSITION: 12-7-59 and 4-19-60. Consent—claimed by Nova Scotia Blueberry Exporters, Somerville, Mass., and exported to Canada where the product had originated.

### VEGETABLES AND VEGETABLE PRODUCTS

26493. Canned green beans. (F.D.C. No. 44240. S. No. 85-458 P.)

QUANTITY: 181 cases, 24 15½-oz. cans each, at Garden City, N.Y.

SHIPPED: Between 10-26-59 and 11-17-59, from Hampstead, Md., by Hampstead Packing Co.

LABEL IN PART: (Can) "Iona Cut Green Beans \* \* \* The Great Atlantic & Pacific Tea Co., New York, N.Y., Distributors."

LIBELED: 2-23-60, E. Dist. N.Y.

CHARGE: 402(a)(3)—contained insect larvae and insect-damaged beans when shipped.

DISPOSITION: 4-4-60. Default—destruction.

26494. Canned green beans. (F.D.C. No. 44470. S. No. 40-702 R.)

QUANTITY: 656 cases, 6 6-lb. 5-oz. cans each, at Shawano, Wis.

SHIPPED: 5-11-60, from Shawano, Wis., to St. Louis, Mo., by Shawano Canning Co., and subsequently returned to Shawano, Wis.

LABEL IN PART: (Can) "Cut Green Beans."

LIBELED: 5-26-60, E. Dist. Wis.; libel amended 5-31-60.

CHARGE: 403(e)(1)—when shipped, the label of the article failed to bear the name and place of business of the manufacturer, packer, or distributor; and 403(h)(1)—the article purported to be and was represented as cut green beans, and its quality fell below the standard prescribed by regulations since the deseeded pods of the article contained more than 0.15 percent by weight of fibrous material, and its label failed to bear, in such manner and form as such regulations specify, a statement that it fell below such standard.

DISPOSITION: 6-7-60. Consent—claimed by Shawano Canning Co. and relabeled.

26495. Canned green beans. (F.D.C. No. 44541. S. No. 3-378 R.)

QUANTITY: 148 cases, 24 1-lb. 12-oz. cans each, at Marion, Va.

SHIPPED: 1-27-60, from Williamston, N.C., by Martindale Foods, Inc.

LABEL IN PART: (Can) "Martindale Brand Cut Green Beans \* \* \* Packed by Martindale Foods, Inc., Williamston, North Carolina, Weldon, North Carolina."

LIBELED: 4-22-60, W. Dist. Va.

CHARGE: 402(a)(3)—contained *Drosophila* fly eggs, larvae, and maggots when shipped; and 403(h)(1)—the quality of the article fell below the standard of quality for canned cut green beans because of excess fibrous material and excess blemished pieces, and its label failed to bear a statement that it fell below such standard.

DISPOSITION: 6-16-60. Default—delivered to a public institution for use as animal feed.

26496. Canned peas. (F.D.C. No. 43451. S. No. 60-002 P.)

QUANTITY: 413 cases, 24 15-oz. cans each, at Austin, Ind.

SHIPPED: On 5-6-59, 5-18-59, and 7-13-59, from Austin, Ind., by Morgan Packing Co., Inc., to Baltimore, Md., and from there returned to the shipper on 9-4-59.

LABEL IN PART: (Can) "Royal Gem Early June Peas Prepared from Dry Peas Packed by Scottsburgh Canning Co. Scottsburgh, Indiana."

LIBELED: 10-1-59, S. Dist. Ind.

CHARGE: 403(a)—when shipped, the label vignette depicting succulent green peas was false and misleading as applied to the article which was prepared from dried peas; 403(e) (2)—the article purported to be and was represented as a food for which a definition and standard of identity had been prescribed, and its label failed to bear the name "dried early green peas," as specified in such definition and standard; and 403(h) (1)—the quality of the article fell below the standard of quality for canned peas since the article contained an excessive number of ruptured peas and its alcohol-insoluble solids were more than 23.5 percent.

DISPOSITION: Between 4-1-60 and 4-12-60. Default—delivered to a local Government officer for charitable purposes.

26497. Canned pumpkin. (F.D.C. No. 44025. S. No. 69-268 P.)

QUANTITY: 164 cases, 24 1-lb. 13-oz. cans each, at Fargo, N. Dak.

SHIPPED: 11-2-59, from Owatonna, Minn., by Owatonna Canning Co.

LABEL IN PART: (Can) "Festal Brand Golden Pie Pumpkin \* \* \* Packed by Owatonna Canning Co., Owatonna Minn."

LIBELED: 1-8-60, Dist. N. Dak.

CHARGE: 402(b) (2)—when shipped, starch had been substituted in whole or in part for pumpkin; 402(a) (3)—the article consisted in whole or in part of a filthy substance by reason of having been prepared from dirty pumpkins; and 403(i) (2)—the label of the article failed to bear the common or usual name of each ingredient.

DISPOSITION: 4-19-60. Default—destruction.

26498. Dried lima beans. (F.D.C. No. 44099. S. No. 21-583 R.)

QUANTITY: 600 100-lb. bags at Charlotte, Mich., in possession of Grand Trunk Western Railroad.

SHIPPED: 2-23-60, from San Francisco, Calif.

RESULTS OF INVESTIGATION: The article was shipped in a rodent-infested railroad car.

LIBELED: 3-24-60, W. Dist. Mich.

CHARGE: 402(a) (3)—contained rodent urine; and 402(a) (4)—held under insanitary conditions.

DISPOSITION: 4-27-60. Consent—claimed by Grand Trunk Western Railroad Co., Detroit, Mich. Segregated; 522 bags denatured.

26499. Lettuce. (F.D.C. No. 44094. S. No. 14-462 R.)

QUANTITY: 129 ctns., 24 heads each, at Nashville, Tenn.